

A6 relatively high there is no significant influence on current diffusion capability and operating voltage.

IN THE CLAIMS

Please amend claim 1 as follows:

A7
1. {ONCE AMENDED} A light -emitting diode comprising:
a semiconductor substrate; and
a layered structure, made of an AlGaInP type compound semiconductor material and provided on the semiconductor substrate,
wherein the layered structure comprises:
a light-emitting structure composed of a pair of cladding layers and an active layer for emitting light provided between the pair of cladding layers; and
a current diffusion layer comprising an AlGaInP type material which is lattice-mismatched with the light-emitting structure, wherein a lattice mismatch $\Delta a/a$ of the current diffusion layer with respect to the light-emitting structure defined by the following expression is -1% or smaller:
$$\Delta a/a = (a_d - a_e)/a_e$$

where a_d is a lattice constant of the current diffusion layer, and a_e is a lattice constant of the light-emitting structure.
Bul B1

Please add the following new claims 11-14:

A8
--11. {NEW} A light-emitting diode, comprising:
a semiconductor substrate; and
a layered structure comprising an AlGaInP type compound semiconductor material provided on the semiconductor substrate, the layered structure comprising:

18
a light-emitting structure comprising of a pair of cladding layers and an active layer for emitting light provided between the pair of cladding layers; and
a current diffusion layer comprising an AlGaInP type compound semiconductor material, the current diffusion layer being lattice-mismatched with the light-emitting structure.

12. {NEW} The light-emitting diode as in claim 11, wherein a lattice mismatch $\Delta a/a$ of the current diffusion layer with respect to the light-emitting structure is defined by

$$\Delta a/a = (a_d - a_e)/a_e$$

where a_d is a lattice constant of the current diffusion layer, and a_e is a lattice constant of the light-emitting structure.

13. {NEW} The light-emitting device as in claim 12, wherein the lattice mismatch is - 1% or smaller.

14. {NEW} A light-emitting diode, comprising:

a semiconductor substrate; and

sub B2
a layered structure comprising an AlGaInP type compound semiconductor material provided on the semiconductor substrate, the layered structure comprising:

a light-emitting structure comprising a pair of cladding layers and an active layer for emitting light provided between the pair of cladding layers;

a current diffusion layer which is lattice-mismatched with the light-emitting structure and the semiconductor substrate; and wherein

the semiconductor substrate is inclined in a [011] direction with respect to a (100) plane thereof. --